



# Department of Defense INSTRUCTION

NUMBER 6055.1,  
October 26, 1984

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Administrative Reissuance Incorporating through Change 2, August 15, 1989

ASD(FM&P)

SUBJECT: DoD Occupational Safety and Health Program

- References:
- (a) DoD Instruction 6055.1, "Department of Defense Occupational Safety and Health (OSH) Program," September 30, 1981 (hereby canceled)
  - (b) DoD Instruction 6055.2, "Personal Protective Equipment," May 3, 1978 (hereby canceled)
  - (c) DoD Instruction 1000.18, "Federal and State Occupational Safety and Health Inspections and Investigations at Contractor Workplaces on Department of Defense Installations," June 29, 1976 (hereby canceled)
  - (d) DoD Directive 1000.3, "Safety and Occupational Health Policy for the Department of Defense," March 29, 1979
  - (e) through (bb), see enclosure 1

## 1. REISSUANCE AND PURPOSE

This Instruction:

1.1. Reissues reference (a) and incorporates guidance in references (b), (c), and (d), thereby updating the policy, procedures, and responsibilities for administering a comprehensive DoD on-the-job occupational safety and health (OSH) program.

1.2. Cancels references (b) and (c).

1.3. Implements the provisions of references (e), (f), and (g) as they apply within the Department of Defense.

## 2. APPLICABILITY AND SCOPE

This Instruction:

2.1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments (including the National Guard Bureau), the Joint Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components"). For the purposes of this Instruction, the Army-Air Force Exchange Service is considered a DoD Component.

2.2. Encompasses all DoD personnel and operations world-wide. These provisions consider limitations on the applicability of references (e), (f), and (g), including the exemptions or exceptions from Department of Labor (DoL) oversight for military personnel, military-unique workplaces, specific conditions governed by other statutory authorities, and, in certain overseas areas, conditions governed by international agreements.

This DoD Instruction does not preclude DoD Components from prescribing supplementary requirements for special conditions, including those conditions over which the DoD Component itself, or in coordination with other Federal agencies, exercises statutory authority for safety and health matters.

2.3. Does not apply generally to DoD contractor personnel and operations, except for:

2.3.1. Inspection requirements prescribed in enclosure 2 for specific conditions of contractor operations on DoD facilities or vessels.

2.3.2. Request for variances, tolerances, or exemptions from OSH standards during periods of declared national emergency and upon enactment of legislation transferring approval authority for variances, tolerances, or exemptions to the Secretary of Defense.

In all other matters affecting the safety and health of contractors' employees, the contractor is responsible directly to Federal or state Occupational Safety and Health Administration (OSHA) authorities as described in enclosure 4.

## 3. DEFINITIONS

Terms applicable to this Instruction are defined in enclosure 5.

#### 4. POLICY

It is DoD policy that DoD Components shall establish and maintain comprehensive, aggressive OSH programs to protect all DoD personnel from work-related deaths, injuries, or occupational illnesses. Such programs shall conform to requirements in this Instruction.

#### 5. RESPONSIBILITIES

##### 5.1. The Heads of DoD Components shall:

5.1.1. Establish programs to implement the requirements of this Instruction. Such programs shall be under the cognizance of the safety and occupational health officials designated in accordance with paragraph 4.3.1. of DoD Directive 1000.3 (reference (d)).

5.1.2. Ensure that the DoD Component budget submission includes appropriate financial and other resources to implement and administer effectively the component's OSH program under 29 U.S.C. 651 (reference (e)).

5.1.3. Develop contingency plans and organizations to ensure the expeditious evaluation of requests from defense contractors for variations, tolerances, and exemptions to any provisions of P.L. 91-596 (reference (e)), as may be necessary, to avoid serious impairment of mobilization efforts during times of national emergency. These plans and organizations shall be developed for each of the following conditions:

5.1.3.1. The present variations, tolerances, and exemptions procedures specified in Section 16 of P.Law. 91-596 (reference (e)).

5.1.3.2. The premise that the review and approval authority of DoD contractors requests for variations, tolerances, or exemptions shall be transferred from the Secretary of Labor to the Secretary of Defense, and the requirement for any hearing is waived.

##### 5.2. The Director, Washington Headquarters Services, shall:

5.2.1. Conduct the OSH program for the OSD and the Joint Staff, while

implementing the requirements of this Instruction and other applicable OSH guidance issued to DoD Components.

5.2.2. Consistent with the responsibilities assigned in DoD Directive 5110.4 (reference (h)), establish and publish procedures to assist DoD Components in identifying and abating hazardous conditions in DoD-occupied, General Services Administration (GSA)-controlled administrative space and in DoD common-support facilities in the National Capital Region (NCR). These procedures shall provide for liaison with GSA to ensure required GSA support in accordance with the Federal Property Management Regulation (FPMR) (reference (i)).

5.2.3. Develop an industrial hygiene workplace monitoring and support schedule in the NCR using available military and civilian industrial hygienists. The schedule shall ensure that NCR hazardous workplaces not within the specific jurisdiction of any other DoD Component are surveyed.

## 6. PROCEDURES

Program requirements and procedures are contained in enclosures 2, 3, and 4.

## **7. EFFECTIVE DATE AND IMPLEMENTATION**

This Instruction is effective immediately. Forward two copies of implementing instructions to the Assistant Secretary of Defense (Force Management and Personnel) within 120 days.



DAVID J. BERTEAU  
Deputy Assistant Secretary  
(Resource Management & Support)

Enclosures - 5

1. References
2. DoD OSH Program Requirements and Procedures
3. DoD Personal Protective Equipment Program Policy and Responsibilities
4. Guidance and Procedures for Federal and State OSH Inspections and Investigations at Contractor Workplaces on DoD Installations
5. Definitions

## E1. ENCLOSURE 1

### REFERENCES, continued

- (e) Public Law 91-596, "Occupational Safety and Health Act of 1970," as amended U.S.C. 651 et seq. (1976))
- (f) Executive Order (E.O.) 12196, "Occupational Safety and Health Programs for Federal Employees," February 26, 1980
- (g) Occupational Safety and Health Administration (OSHA), Department of Labor, "Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters," October 21, 1980 (29 CFR 1960)
- (h) DoD Directive 5110.4, "Washington Headquarters Services," November 4, 1988
- (i) Federal Property Management Regulation, "Management of Buildings and Grounds," Chapter 101, "Accident and Fire Prevention Standards" (41 CFR 101)
- (j) [DoD Instruction 6050.5](#), "Hazardous Material Information System," January 25, 1978
- (k) [DoD Instruction 6055.7](#), "Mishap Investigation, Reporting and Recordkeeping," December 16, 1981
- (l) Title 29, Code of Federal Regulations, Subtitle B - "Regulations Relating to Labor (Continued)," Chapter XVII, "Occupational Safety and Health Administration, Department of Labor," Part 1900, et seq.
- (m) Title 5, United States Code, Section 71
- (n) DoD 4270.1-M, "Policy Guidelines for Installation Planning, Design, Construction and Upkeep," December 1987 authorized by DoD Directive 4270.1, July 11, 1983
- (o) DoD Instruction 5000.36, "System Safety Engineering and Management," April 14, 1986
- (p) Field Operations Manual, Occupational Safety and Health Administration (OSHA), United States Department of Labor, OSHA Instruction CPL 2.45A (current edition)<sup>1</sup>
- (q) DoD 5000.12-M, "DoD Manual for Standard Data Elements," October 1986, authorized by DoD Instruction 5000.12, April 27, 1965
- (r) DoD Directive 4270.24, "Unspecified Minor Construction, Emergency Construction, and Restoration or Replacement of Damaged or Destroyed Facilities," March 21, 1983
- (s) [DoD Instruction 6055.5](#), "Industrial Hygiene and Occupational Health," January 10, 1989
- (t) OFSS-0001, "Federal Supply Schedule Program Guide," September 1977
- (u) Title 42, United States Code, Sections 2012, 2021, 2121(b), and 2201(b), "Atomic Energy Act of 1954," as amended

- (v) Title 33, United States Code, Section 941
- (w) Assistant Secretary of Defense (I&L) Memorandum, "Contractor Relationships with Respect to the Occupational Safety and Health Act of 1970," March 29, 1974 (as reissued in Defense Procurement Circular 75-1, July 30, 1975)
- (x) DoD 5220.22-R, "Industrial Security Regulation," December 1985, authorized by DoD Directive 5220.22, December 8, 1980
- (y) Title 18, United States Code, Section 795
- (z) Executive Order (E.O.) 10104, "Definitions of Vital Military and Naval Installations and Equipment," February 1, 1950
- (aa) Title 5, United States Code, Section 552, as amended by Public Law 93-502, "Freedom of Information Act"
- (bb) Title 5, United States Code, Section 552a, as amended by Public Law 93-579, "Privacy Act of 1974"
- (cc) Federal Acquisition Regulation, "Contract Administration," Part 42
- (dd) DoD 5220.22-M, "Industrial Security Manual for Safeguarding Classified Information," September 1987, authorized by DoD Directive 5220.22, December 8, 1980

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<sup>1</sup> Available from: Superintendent of Documents, U.S. Government Printing Office, Dept 33, Washington, DC 20402 (request publication number OSHA 2081)

## E2. ENCLOSURE 2

### DoD OSH PROGRAM REQUIREMENTS AND PROCEDURES

#### E2.1. General Administration

E2.1.1. Management Responsibility. The operation of an effective on-the-job OSH program is a line management responsibility at all echelons. Responsible DoD officials at each management level, including first-line supervisors, shall, to the extent of their authority, comply with OSH program guidance and regulations and provide DoD personnel safe and healthful working conditions. Performance evaluations of those responsible DoD officials shall reflect personal accountability in this respect, consistent with the duties of the position, with appropriate recognition of superior performance, and conversely, with corrective administrative action, as appropriate, for deficient performance.

E2.1.2. Nonsupervisory Personnel Responsibilities. Nonsupervisory DoD personnel shall comply with all applicable OSH program rules and regulations. Specifically, this requirement shall include compliance with work safety and health standards, proper use of personal protective equipment, and clothing, and prompt reporting to DoD management of unsafe conditions, hazardous exposure, or occupational injury or illness. Failure to comply with this requirement can form the basis for administrative action.

E2.1.3. Specialized Staffing. Officials shall be designated at echelons of command consistent with the DoD Component's organizational structure, including installation and unit levels, to serve as principal command advisers, monitors, and points of contact for OSH matters. The assignment of such responsibility as a primary or additional duty; the professional qualifications, grade, and military or civilian status of such officials; and the size and qualifications of their respective staffs will vary according to the mission, size, and organization of the commands concerned. These are matters that must be resolved within each DoD Component. However, regardless of internal administrative relationships, it is essential that safety, occupational health, injury compensation, and fire protection staff personnel work in close coordination. Overall staffing of these functions, including supporting organizations such as safety centers and environmental health centers of the Military Departments, shall be sufficient to carry out all of the responsibilities in this Instruction.



#### E2.1.4. Protection Against Reprisal

E2.1.4.1. As a matter of equity and to protect the integrity of both the hazard identification system and mishap investigations, DoD Components shall establish positive procedures to protect all DoD personnel from coercion, discrimination, or reprisals for participation in the OSH program. Such procedures shall include provisions to preserve individual anonymity, when requested; to ensure prompt, impartial investigation of allegations of reprisal; and to provide appropriate administrative action when such allegations are substantiated. The use of inspector general channels to investigate such allegations is appropriate for military complaints. The use of either administrative or negotiated grievance procedures, as applicable, is the remedial measure for civilian employee complaints.

E2.1.4.2. Under the provision of 29 CFR 1960 (reference (g)), the above protection against reprisal extends specifically to the right of a civilian employee to decline to perform an assigned task because of a reasonable belief that, under the circumstances, the task poses an imminent risk of death or serious bodily harm, coupled with a reasonable belief that there is insufficient time to seek effective redress through normal hazard-reporting and abatement procedures. In this situation, both the affected employee and local management shall be entitled to the considered opinion of a qualified safety, fire prevention, or health professional on the extent of the hazard.

#### E2.1.5. Dissemination of Information

E2.1.5.1. Specific work safety and health procedures and precautions regarding hazards, including hazardous materials, applicable to individual workplaces, as well as hazard report forms, shall, to the maximum practicable extent, be readily available at the workplace. Component programs shall ensure that personnel are informed of the location, availability, and procedures to obtain additional technical safety information that they may require. See DoD Instruction 6050.5 (reference (j)) for additional information on the collection and distribution of data on hazardous materials.

E2.1.5.2. In addition, DoD personnel shall be informed of the location and means to contact the local OSH office or offices serving their installation, facility, or unit, and of the nature and scope, of program information, applicable regulations, basic reference standards, and specialized consultations that are available in such offices.

E2.1.5.3. Installations shall maintain copies of 29 U.S.C. 651 et seq., E.O.

12196, 29 CFR 1960 (references (e), (f), and (g)), applicable DoD OSH standards, and DoD Components' program Directives or Instructions directly applicable to the installation. Those publications shall be maintained at the safety office or another central location and shall be available for ready reference. DoD Components shall make individual copies of written Component program instructions that apply directly to the local installation available to supervisors and appropriate employee representatives.

E2.1.5.4. Posters that inform employees of the substance of references (e), (f), and (g), as implemented in this Instruction, shall be placed permanently in conspicuous locations at DoD civilian workplaces on DoD installations. The Director, Defense Logistics Agency, shall develop and stock such posters for DoD-wide use. The posters shall include a core text provided by DoL and appropriate additional details, as described in reference (g). All DoD Components, except the Military Departments, shall use this DoD poster. The Military Departments may use the DoD poster or design and distribute their own posters, using the DoL core text.

#### E2.1.6. Reports, Recordkeeping, and Mishap Investigations

E2.1.6.1. Requirements for these program elements are contained in DoD Instruction 6055.7 (reference (k)).

E2.1.6.2. DoD installations that employ civilians shall maintain a log of all workplace injuries and illness using the log format shown in Appendix A, OSHA 2014, Recordkeeping and Reporting Guidelines for Federal Agencies. The summary portion of the report shall be posted in a conspicuous place not later than 45 days after the conclusion of the fiscal year. That summary portion of the report shall be posted for a minimum of 30 days. A similar log shall be maintained for military personnel, with on-duty and off-duty mishaps recorded separately.

E2.1.6.3. Within the Department of Defense, 'the right of access to relevant civilian employee exposure and medical records shall be in accordance with the provisions and definitions of 29 CFR 1910.20 (reference (l)), regardless of any argument concerning the applicability of that part to Federal agencies within the language of 29 CFR 1960 (reference (g)).

E2.1.7. Use of Official Time. Use of official time and travel is authorized where participation in OSH program activities is prescribed in this Instruction.

#### E2.2. OSH Standards

#### E2.2.1. General

E2.2.1.1. DoD Components shall utilize and comply with the standards promulgated by OSHA under 29 U.S.C. 651 *et seq.* (reference (e)) in all nonmilitary-unique DoD operations and workplaces, regardless of whether work is performed by military or civilian personnel. Guidance for implementation is in subsection E2.2.3., below. DoD Components may develop and apply standards that are alternate or supplemental to such OSHA standards, provided that the approval procedures described in subsections E2.2.4. and E2.2.5., below, are followed.

E2.2.1.2. Although these OSHA-prescribed or -approved standards are the primary measure of workplace safety and health, DoD Components shall, in additions, ensure, compliance with other applicable regulatory standards related to OSH that are issued under statutory authority by DoD or other Federal agencies (such as the Departments of Transportation and Energy, the Environmental Protection Agency, the Nuclear Regulatory Commission, or the Food and Drug Administration).

E2.2.1.3. Conflicts between regulatory standards shall be referred to the Assistant Secretary of Defense (Manpower, Installations, and Logistics) (ASD(FM&P)), who will bring the matter to the attention of the Secretary of Labor and other responsible Federal officials, as appropriate.

E2.2.2. Military-Unique Equipment, Systems, Operations, or Workplaces (as defined in enclosure 5). DoD Components shall apply OSHA and other non-DoD regulatory safety and health standards to military-unique equipment, systems, operations, or workplaces, in whole or in part, insofar as practicable. When military design, specifications, or requirements render compliance infeasible, or when no regulatory standard exists for such military application, DoD Components shall develop and publish special military standards, rules, or regulations prescribing OSH measures.

#### E2.2.3. Implementation of OSH Standards

E2.2.3.1. DoD Components shall implement OSH standards by any of the following methods:

E2.2.3.1.1. Issuance of Instructions or Regulations that adopt OSHA standards and other applicable safety-related regulatory standards by reference, or by verbatim reprint of those documents.

E2.2.3.1.2. Publication of DoD Component or cognizant command regulations, Directives, Instructions, manuals, or technical orders that incorporate the criteria of OSHA standards and other applicable safety-related regulatory standards in a format appropriate to the Component's mission, organization, operations, and administrative practices. Such publications may paraphrase, transpose, or adapt these standards to specific conditions without altering the basic criteria. Components also may incorporate additional specifications or requirements not included in the basic standards, applicable either in general or under prescribed conditions, to make those standards more informative or protective. Further, Components may prescribe more stringent exposure limits or monitoring frequencies than those in the basic OSHA standards. Finally, after consultation with employees, which shall include compliance with any applicable 5 U.S.C. 71 (reference (m)) requirements concerning labor management relations, Components may utilize provisions of the latest edition of an OSHA reference standard provided that such provision's are deemed equally or more stringent than the original Section 6 OSHA reference standard edition.

E2.2.3.2. Regardless of the form of implementation, DoD Components shall ensure that the implementing documents are:

E2.2.3.2.1. Current, including changes in the regulatory standards.

E2.2.3.2.2. Available, with the basic standards, at the installation level.

E2.2.3.2.3. Understood and complied with by affected personnel and implementation is enforced by supervisors. In cases of noncompliance, management should document the noncompliance and should consider disciplinary action against the offender and the supervisor, as appropriate.

E2.2.3.2.4. Applied, where appropriate, in the acquisition of goods and services and during the design, alteration, or construction of new or upgraded systems and facilities. In this regard, requirements of DoD 4270.1-M (reference (n)) and DoD Instruction 5000.36 (reference (o)) apply. Requirements for retrofit in applicable workplaces are in section E2.2.5., below.

E2.2.3.3. DoD Components shall implement OSHA emergency temporary standards (ETS) on the effective date established. Federal court rulings that advance or delay implementation of change, or that rescind OSHA standards, including ETS, shall be adhered to by DoD Components, although Components may continue to apply more stringent criteria than OSHA.

E2.2.4. Alternate OSHA Standards-Approval Procedures. If a DoD Component desires to use a later edition of an OSHA Reference Standard when it is not obvious whether or not that later edition provides equal or greater protection than the original, or when a Component determines that an OSHA standard should be modified for application to particular working conditions of the Component that are not military-unique, a proposed alternate standard shall be developed and submitted to the ASD(FM&P) after consultation with other DoD Components and with affected employees or their representatives. The ASD(FM&P) will review the proposed standard and, barring nonconcurrence, forward the standard to the Secretary of Labor for approval. Upon approval of an alternate standard, the originating DoD Component may proceed with implementation and shall provide a copy of the final document to other DoD Components who, in turn, may elect to adopt the standard. The ASD(FM&P) shall maintain and publish a list of such approved alternate standards. The letter of transmittal to the ASD(FM&P) must contain:

E2.2.4.1. A statement explaining why the alternate standard is required.

E2.2.4.2. A description of the proposed alternate standard.

E2.2.4.3. An explanation of how the proposed alternate standard affords equal or greater protection than the standard or standards it replaces.

E2.2.4.4. An indication that employee or employee representative comments were solicited, and a summary of such comments.

E2.2.4.5. A description of interim protective measures in effect pending decision on the alternate standard.

E2.2.5. Supplementary OSHA Standards Development Procedure. In workplaces where OSHA standards apply but do not cover, or only partially cover, existing conditions, DoD Components may adopt available national consensus standards or develop other protective measures to ensure the safety and health of DoD personnel. If the uncovered conditions are not military-unique, DoD Components shall (1) modify, as necessary, or adopt available national consensus standards as a supplementary standard, or (2) commence development of an original supplementary standard. In either case above, the DoD Component shall advise the ASD(FM&P), who will advise OSHA. Barring nonconcurrence from OSHA, the supplemental standard may be implemented upon completion. The ASD(FM&P) shall maintain and publish a list of such approved supplementary standards.

E2.2.6. Joint-Use Facilities. When personnel of different DoD Components, or of DoD Components and other Federal agencies, work in the same installations, the DoD Components and other Federal agencies involved shall be governed by the host-agency standards. See FPMR (reference (i)) for procedures involving GSA. When other agency standards conflict with OSHA standards, DoD Components shall refer the matter to the ASD(FM&P).

E2.2.7. Review of Proposed National Standards. The Military Departments and appropriate Defense Agencies shall review proposed safety and health standards or standards criteria published for comment by OSHA, other regulatory agencies, the National Institute of Occupational Safety and Health (NIOSH), and consensus standards organizations. Appropriate comments will be submitted directly to the agency concerned, unless a consolidated DoD response is requested. Inputs for a consolidated DoD response will be forwarded to the ASD(FM&P).

### E2.3. Inspections.

DoD Components shall conduct inspection programs to identify hazardous conditions and work practices in all DoD workplaces. In addition, DoD Components shall prescribe and conduct inspection programs of contractor operations that take place on DoD installations and vessels in order to protect DoD personnel and property and to enforce compliance with those specific OSH standards prescribed by the Department of Defense or DoD Components.

E2.3.1. DoD Workplace Inspections. The following requirements apply to formal inspections, as distinguished from routine, day-to-day evaluation and monitoring visits by local DoD OSH personnel.

E2.3.1.1. Installations and operations where DoD personnel are employed regularly shall be inspected formally, at least annually. Inspections of workplaces in contractor installations where fewer than 25 DoD personnel are employed shall be at the DoD Component's discretion, based on existing conditions. While no formal annual inspection is required, the DoD Component is required to ensure the health and safety of their employees in the contractor facility. Potential high-risk areas on DoD installations shall be inspected more frequently, based upon assessment of the exposure and potential severity of hazards. DoD Components shall establish guidelines for frequency and other details of these additional inspections. Upon request of the civilian personnel office, qualified safety and health professionals shall

evaluate specific workspaces and conditions and provide the civilian personnel office a professional opinion as to whether or not current criteria for award of environmental differential pay or hazard pay differentials are met.

E2.3.1.2. Personnel who conduct such formal inspections shall have the technical knowledge to identify hazardous conditions. DoD Components shall determine minimum qualifications for inspectors, based on an evaluation of field conditions and the complexity of the area of operation to be inspected. Inspectors shall be provided with appropriate test equipment.

E2.3.1.3. Formal inspections may be conducted with or without prior notice. No-notice inspections shall be conducted when, in the judgment of safety and health personnel, those inspections would provide a more accurate assessment of actual operating conditions and practices.

E2.3.1.4. Inspectors shall consult with authorized employee representatives or, in their absence, workplace personnel on matters affecting the employees' safety and health. Inspectors may offer the employees, or their representatives, the opportunity to identify unsafe or unhealthful working conditions. Inspectors should take advantage of the expertise available from local sources. The inspector is authorized to deny accompaniment to any person whose presence or conduct interferes with a fair and orderly inspection.

**E2.3.1.5. IMMINENT DANGER SITUATIONS DISCOVERED DURING AN INSPECTION SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE AFFECTED EMPLOYEES AND APPROPRIATE SUPERVISORY PERSONNEL, INCLUDING THE INSTALLATION HEAD, IF NECESSARY, AND IMMEDIATE MEASURES SHALL BE TAKEN TO ELIMINATE OR REDUCE THE HAZARD, OR TO CEASE OPERATIONS AND WITHDRAW EXPOSED PERSONNEL.**

E2.3.1.6. Upon completion of a formal inspection:

E2.3.1.6.1. Conducted by an oversight organization, a closing conference shall be held and a notice of unsafe or unhealthful working conditions shall be prepared for each risk-assessment code (RAC) 1, 2, or 3 hazard that was not corrected immediately. The official in charge of the workplace, or a designated representative, and an appropriate employee representative shall be given the opportunity to participate in the closing conference.

E2.3.1.6.2. Conducted by command OSH professionals, the inspectors shall confer with the official in charge of the workplace or a designated representative to advise that official of any unsafe or unhealthful working conditions identified during the inspection. A notice of unsafe or unhealthful working conditions must be posted for each hazard with a RAC 1, 2, or 3 that was not corrected immediately. An appropriate employee representative shall be given the opportunity to participate in any such conference.

E2.3.1.7. Written reports of workplace inspections shall be forwarded to appropriate functional managers or local commanders for action to ensure correction of deficiencies. These reports shall cite criteria or Directives violated, other unsafe work practices, and management deficiencies observed. The report shall include the notices of unsafe or unhealthful conditions and recommended corrective actions. It shall be retained on file until the deficiencies have been corrected and for at least 5 years thereafter.

E2.3.1.8. Copies of each notice of unsafe or unhealthful conditions shall be given to the appropriate official in charge of the workplace and any participating employee representative. In nonmilitary-unique workplaces, notices shall be posted by the official in charge at or near each place that an unsafe or unhealthful condition exists or existed. Where, because of the nature of the workplace, it is not practicable to post the notice at or near the hazard, it shall be posted in a prominent place where it will be observable readily by all affected personnel. In military-unique workplaces, the same or modified notices shall be posted, as feasible. Delivery and posting shall take place within 15 days after the inspection for safety violations and 30 days from the date that it is determined that a hazard exists for health violations. The notices shall remain posted for 3 working days or until correction, whichever is later. All posted notices shall describe the nature and severity of the violation, the substance of the abatement plan, and interim protective measures.

E2.3.1.9. Procedures shall be established to document and followup the correction of deficiencies identified during an inspection.

E2.3.1.10. Inspections of areas containing classified information shall be conducted following policies outlined in DoD Component security regulations.

E2.3.1.11. In nonmilitary-unique workplaces staffed with civilian personnel, the additional requirements below apply for formal annual inspections conducted by the command and for oversight inspections conducted by a higher authority.



E2.3.1.11.1. Appropriate representatives of civilian employees and recognized employee organizations shall be notified when management receives prior notice of an inspection.

E2.3.1.11.2. A representative of the official in charge of a workplace and authorized representatives of civilian employees shall be afforded an opportunity to accompany the inspector during the physical inspection of workplaces. The employee representative shall be selected by the civilian employees, either directly, or when applicable, pursuant to agreements reached with labor organizations representing such employees. Such representatives may be different persons during separate phases of the inspection.

E2.3.2. DoL Inspections and Investigations of DoD Working Conditions. In accordance with the provisions of E.O. 12196 (reference (f)), OSHA and NIOSH officials, acting as representatives of the Secretary of Labor, are authorized to conduct announced or unannounced inspections of all DoD workplaces except military-unique workplaces (defined in enclosure 5) and nonmilitary-unique workplaces that are staffed exclusively with military personnel.

E2.3.2.1. Such inspections may be (a) in response to a complaint from a DoD civilian employee or employee representative, (b) in conjunction with OSHA's annual evaluation of agency programs, (c) part of the OSHA targeting program at installations with high compensation claims rates, or (d) solely at the discretion of the Secretary of Labor.

E2.3.2.2. Procedures for such inspections conform generally to those described above for internal DoD inspections. Those procedures are in Chapter 13 of the OSHA Field Operations Manual (reference (p)).

E2.3.2.3. DoL representatives shall be admitted to conduct inspections at appropriate DoD workplaces without delay, at reasonable times, and in a reasonable manner.

E2.3.2.4. DoL representatives initially will report to the DoD installation commander or the commander's representative. They shall be required to show proof of appropriate security clearance if entry into closed areas is required. A closing conference with the installation commander or that commander's designee shall be arranged before the DoL inspector's departure. The installation commander shall invite authorized representatives of employees to attend the opening and closing

conferences.

E2.3.2.5. DoL representatives shall, upon request, be provided access to safety and health information on worksites to be visited. Such information may include data on hazardous materials in use, copies of recent DoD inspection or survey reports, employee hazard reports, abatement project information, and accident or injury compensation claims data.

E2.3.2.6. When DoL representatives issue notices of unsafe and unhealthful working conditions (OSHA-2H), local DoD officials should treat such OSHA-2H in the same manner as internal DoD notices of unsafe or unhealthful working conditions, provide for prompt abatement of hazards and initiation of interim safeguards, and notify the issuing office.

E2.3.2.7. Response to DoL inspection reports shall originate at the local level. Unresolved conflicts may be elevated to a higher command and DoD echelons for interagency resolution. Normal internal communication within DoD command channels is encouraged to inform higher echelons of the results of DoL inspections and to coordinate responses to DoL.

E2.3.2.8. Components shall investigate and report mishaps involving civilian employees in accordance with DoD Instruction 6055.7 (reference (k)), including 48-hour telephone notification to the ASD(FM&P) of any serious occupational injury or illness that results in the death of a DoD civilian employee or in the hospitalization of 5 or more personnel when one is a DoD civilian employee. The ASD(FM&P) will, in turn, immediately notify the Office of Federal Agency Safety and Health Programs of the serious occupational injury or illness. Such notification shall relate the circumstances of the mishap, names of individuals involved, any actions taken or planned, and the status of the Component investigation. DoL officials shall be authorized, upon local request, to accompany DoD investigators during investigation of such accidents and shall be shown or provided pertinent DoD general use or legal mishap investigation reports as defined in reference (k) or summaries thereof. DoL officials may inspect for residual hazardous conditions at mishap sites on DoD installations.

#### E2.4. Hazard Reports.

Early detection of unsafe or unhealthful working conditions and prompt correction of related hazards at the lowest possible working level are essential elements of mishap

prevention. Accordingly, DoD Components shall operate hazard identification and reporting programs that contain provisions to:

E2.4.1. Publicize the existence of the programs and inform all DoD personnel of their right and obligation to report hazardous situations to appropriate DoD officials. Full involvement of military and civilian personnel and, when applicable, labor organizations representing civilian personnel, is essential.

E2.4.2. Hold first-line supervisors primarily responsible for investigating and correcting any hazardous condition that they observe or have reported to them, and for reporting such condition promptly to a superior authority or local safety and health officials if immediate onsite correction is not possible.

E2.4.3. Encourage employees to make oral reports to supervisors as the most prompt and effective method of identification and, for imminent danger situations, make initial oral reports mandatory.

E2.4.4. Simplify and standardize procedures for submitting written reports of hazardous conditions to local safety and health officials and ensure that standard hazard report forms are available readily at workplaces for employees to use, whether or not oral reports are made. Existing data elements from DoD 5000.12-M (reference (q)) will be used in these reports when practicable.

E2.4.5. Protect the identity of the person making a report if that person does not want his or her name revealed.

E2.4.6. Ensure the investigation of valid reports as soon as possible but no longer than 24 hours for imminent danger situations, 3 working days for potentially serious situations, and 20 working days for lesser conditions.

E2.4.7. Provide an interim or complete response in writing to the originators of all reports within 15 working days of the completion of the inspection for safety violations (30 days for health violations) or within 15 working days of the receipt of the report if no inspection is considered warranted. In the latter case, the rationale for the lack of an inspection should be stated. If an interim response is made, an expected date for the complete response shall be provided.

E2.4.7.1. If an inspection discloses that a hazardous condition exists, the complete response shall include a summary of the action taken or the expected action and a correction plan. If the inspection results in a determination that no significant hazard exists, the reply shall include the basis for the determination.

E2.4.7.2. The complete response shall encourage but not require the originator to contact informally the installation safety or health officials if he or she requires additional information or is dissatisfied with the response to a report. The complete response also shall indicate the appropriate channel or channels available for formal appeal.

E2.4.8. Ensure that reports of hazardous conditions that cannot be corrected immediately are logged. Copies of all written reports of unsafe or unhealthful working conditions and records of action taken are to be retained at a reasonably accessible location, including a Federal records retention center, for at least 5 years after the end of the calendar year to which the reports relate.

#### E2.5. Correction of Hazardous Conditions.

DoD Components shall establish systematic priority programs to correct or reduce hazardous conditions in all DoD workplaces.

E2.5.1. Programs for abatement of hazards identified in military-unique equipment, systems, operations, or workplaces shall be implemented and funded in accordance with procedures and priorities established within the individual DoD Components.

E2.5.2. Programs for abatement of hazards in nonmilitary-unique DoD workplaces shall include the following provisions:

E2.5.2.1. Primary Responsibility. The primary responsibility for correction rests with local command or management with assistance, as necessary, from higher authority. Components shall prescribe procedures to submit, review, prioritize, and fund valid projects that are beyond the capability of local authorities.

E2.5.2.2. IMMINENT DANGER SITUATIONS. IMMEDIATE ACTION SHALL BE TAKEN TO ELIMINATE OR REDUCE SUBSTANTIALLY HAZARDS THAT CONSTITUTE IMMINENT DANGER SITUATIONS, WHICH ARE DEFINED IN ENCLOSURE 5. WORK SHALL BE STOPPED AND EXPOSED PERSONNEL SHALL BE WITHDRAWN UNTIL SUCH ACTION IS TAKEN.

E2.5.2.3. RACs 1, 2, and 3. Hazards with RACs 1, 2, and 3 shall be corrected as promptly as practicable on a "worst-first" basis.

E2.5.2.4. RACs 4 and 5. Deficiencies with RACs 4 and 5 may be deferred for correction during scheduled repair or replacement, as provided in DoD Directive 4270.24 (reference (r)).

E2.5.2.5. Hazard-Abatement Plans. Hazards that have been assigned RACs 1, 2, and 3 and that require more than 30 days for correction shall be recorded in a formal installation hazard-abatement plan. Employees or representatives of employees exposed to hazardous conditions shall be informed of the provisions of the abatement plan. When applicable, a copy of the plan shall be provided to recognized labor organizations. The plan shall include the following standard data for each hazard (or logical grouping of similar hazards):

E2.5.2.5.1. \*The date of hazard identification (year, month, and day) (YYMMDD).

E2.5.2.5.2. \*The date of submission of the plan (YYMMDD).

E2.5.2.5.3. \*The location of the hazard or hazards.

E2.5.2.5.4. A descriptions of the hazard or hazards, including reference to applicable standards.

E2.5.2.5.5. \*The RAC (with hazard severity, probability of single occurrence, and annual personnel exposure cited separately).

E2.5.2.5.6. A summary of interim measures adopted to protect employees from the hazard or hazards.

E2.5.2.5.7. A description of the abatement action, including the estimated cost and time required to accomplish the abatement action (from the starting date of that action). If the abatement action is delayed, an explanation of the circumstances of the delay shall be included.

E2.5.2.5.8. \*The cost effectiveness index (CEI) (as described in enclosure 5).

E2.5.2.5.9. The abatement priority number (as defined in enclosure 5).

\*Items marked with an asterisk have been registered in the DoD Data Element Program.

E2.5.2.5.10. A closeout statement indicating the following:

E2.5.2.5.10.1. The completed abatement action, actual cost of that action, and the date of completion.

E2.5.2.5.10.2. If the process has been discontinued or if the worksite has been vacated.

E2.5.2.6. Deficiencies Involving GSA Facilities. FPMR (reference (i)) describes procedures to follow for deficiencies that involve GSA. The following information, extracted from a memorandum of understanding between GSA and OSHA, further amplifies those procedures.

E2.5.2.6.1. To assist tenant agencies in determining the validity of agency reports of safety and health concerns, GSA will make available to tenant agencies a list of professional organizations and individuals that can provide agencies with workplace and industrial hygiene surveys. The tenant agency will bear the expense of any survey to identify and document their concerns. Upon completion of the survey and presentation of the resultant report to GSA by the agency in accordance with FPMR (reference (i)), GSA will then proceed to abate any conditions that need to be addressed. OSHA will cooperate with this procedure and, whenever OSHA receives an allegation of an unsafe or unhealthful condition, other than imminent danger situations, from a Federal agency occupying space under the authority of GSA, a response letter will be sent by OSHA alerting the tenant agency of the availability of the above list, with a copy to GSA. In the response letter to the tenant Federal agency, OSHA will request the agency to forward a copy of the resultant report findings, if any, to both OSHA and GSA. OSHA will then monitor GSA or the agency with respect to the abatement of the hazardous condition.

E2.5.2.6.2. If a serious hazard or an imminent danger situation is reported, OSHA will inspect or otherwise act to ensure that the condition is addressed in an expeditious manner.

E2.5.2.7. Deficiencies Involving Other DoD Components or Agencies. Correction of hazards that are the responsibility of another DoD Component, Federal agency, or private organization shall be brought to the attention of the appropriate party for corrective action. Problems that a DoD Component cannot resolve shall be referred to the ASD(FM&P).

E2.5.2.8. Funding for Hazard Abatement

E2.5.2.8.1. Operating plans and budgets shall include appropriate planning, programming, and resources to correct RAC 1, 2, and 3 hazards from the abatement plan according to abatement priority numbers and any supplemental DoD program guidance.

E2.5.2.8.2. Funding shall be accomplished generally from local operations and maintenance monies or overhead funds in industrially funded activities.

E2.5.2.8.3. All construction and modernization projects are required to incorporate safety, life-safety, fire protection, and health standards. Many existing hazards are abated as a by-product of new construction that has been justified for other reasons. However, military construction projects, whose paramount justification is abatement of such hazards, normally do not involve new construction, but typically consist of retrofit of one or more existing facilities, such as the installation or replacement of ventilation systems in places where toxic chemicals present hazards to personnel. An exception to this general rule could occur when a life-cycle analysis results in the determination that replacement or relocation of an existing facility is more cost effective than correction of multiple, or gross, existing hazards. In this regard, also see the requirements of DoD Instruction 5000.36 (reference (o)).

E2.5.2.8.4. When abatement projects require military construction funds or exceed local funding ceilings, local commanders shall submit such plans to a higher authority for review and centralized programming. Since such programs may involve substantial resources and are subject to program and budget review at the congressional level, the use of standardized methodology to determine abatement priority numbers is essential. Accordingly, DoD Components shall use the methodology described in enclosure 5 or a Component-developed, equally definitive methodology.

E2.5.2.8.5. DoD Components shall make provisions to account for actual expenditures for hazard abatement projects at all echelons of command.

## **E2.6. OSH Training.**

Each DoD Component shall establish programs to provide appropriate OSH training for military and civilian personnel in the following groups: nonsupervisory personnel, representatives of civilian employees, first-line supervisors, commanders and other senior officials, full-time OSH personnel, and additional duty OSH personnel. The goal of such training programs is to enable each person to participate effectively in the

Component's program and to perform his or her work in a safe and healthful manner. Additional specifics related to occupational health are in DoD Instruction 6055.5 (reference (s)).

E2.6.1. To encourage efficient use of DoD resources and to avoid unnecessary duplication, DoD Components shall, before establishing additional OSH training and education resources, consider the use of existing programs in other DoD Components or Federal agencies.

E2.6.2. DoD Component procedures to implement the guidance set forth above shall include the following minimum requirements:

E2.6.2.1. Nonsupervisory Personnel Training. Specialized job safety and health training appropriate to the work performed, including the provisions of relevant OSH standards, hazards associated with any materials used in the workplace, hazard reporting, and provisions of the DoD Component OSH program. The training also shall include protection and obligations of personnel under this and related DoD Instructions and the Component's implementing guidance.

E2.6.2.2. Civilian Employee Representatives. Training to prepare such representatives to assist in the maintenance of safe and healthful workplaces. The extent of any such training, in addition to that given other employees, shall depend on local needs.

E2.6.2.3. Supervisors. In supervisors' responsibilities, include training for (a) providing and maintaining safe and healthful working conditions for employees; (b) recognition, reporting, and elimination of hazards; (c) employee safety motivation; (d) mishap investigation; and (e) development of other skills required to implement the DoD Component's program at the working level.

E2.6.2.4. Senior- and Middle-Grade Commanders and Management Officials. Such orientation and background information as required to establish policy and direct the management of the DoD Component's OSH program.

E2.6.2.5. Full-time OSH Personnel. Formal and informal training courses, educational programs, and other activities to enable those personnel to function effectively as professional advisors to commanders or management officials. Provide training and work assignments to encourage professional certification and career development.

E2.6.2.6. Additional Duty OSH Personnel. Include such training as required



for the performance of the duties specified in DoD Component programs.

## E2.7. Councils and Conferences

### E2.7.1. DoD Safety and Occupational Health Councils

E2.7.1.1. The Department of Defense has opted not to establish OSH committees that conform to the provisions of E.O. 12196 (reference (f)). At the national level, the DoD Safety and Occupational Health Council, established under DoD Directive 1000.3 (reference (d)), shall address matters under the purview of this Instruction.

E2.7.1.2. At the installation level, DoD Components shall (a) operate local safety and occupational health councils to foster mutual cooperation and open channels of communication, (b) make recommendations to the installation commander, and (c) perform such additional tasks as the commander or the council chairman may direct. Although these councils are established under this Instruction primarily to address on-the-job personnel safety and health matters, the scope of their considerations may, and should, be expanded to include other safety concerns of the command.

E2.7.1.2.1. Such councils shall be chaired by the installation commander or the commander's designee, who shall be a senior line-management official.

E2.7.1.2.2. Councils shall meet regularly (at least quarterly) and shall publish the minutes of the meetings.

E2.7.1.2.3. Membership of these councils shall include representatives of appropriate functional areas, such as line and staff supervision, safety, occupational health, fire prevention, traffic control, personnel, facility engineering, injury compensation, and, when applicable, representatives of recognized labor organizations.

E2.7.1.2.4. All correspondence from these councils shall be confined to DoD channels.

E2.7.1.2.5. DoD Components may exempt from the requirements of this paragraph installations that have very small populations.

E2.7.1.3. Establishment of councils at DoD Component headquarters, major commands, or intermediate echelons, and at local shop or division levels shall be at the Component's discretion.

E2.7.2. Federal Advisory Council on OSH. The Department of Defense shall participate in the activities of the Federal Advisory Council on OSH and shall provide representation from DoD Components on its various committees and subcommittees.

E2.7.3. Field Federal Safety and Health Councils. DoD Components are encouraged strongly to support these councils and make available, where appropriate, facilities for meetings and educational resources (films, libraries, or guest speakers). Normally, official representation from an installation shall consist of one management representative and one representative of civilian employees, both on official time. Additional participation is at the discretion of DoD Components in accordance with perceived benefits.

E2.7.4. Federal Safety and Health Conferences. Attendance and participation of DoD personnel in regional and national Federal OSH conferences are encouraged when DoD's programs will benefit from those conferences. Components or major commands that plan to sponsor OSH seminars or workshops should consider scheduling such meetings in conjunction with a Federal Safety and Health Conference.

## E2.8. Goals, Objectives, and Self-Evaluation

E2.8.1. In order to provide direction of effort and meaningful program evaluation, each DoD Component shall establish annual goals and objectives appropriate to the Component's size, mission, organization, and identified problem areas. Complementary goals and objectives should be established for subordinate echelons of command.

E2.8.2. DoD Components shall establish procedures to evaluate the effectiveness of OSH programs at all command levels. These evaluations shall consider compliance with Component program directives issued to implement this and other related DoD Instructions, the substantive results of mishap prevention efforts as determined from an analysis of data generated under DoD Instruction 6055.7 (reference (k)), and the accomplishment of Component goals and objectives. Each DoD installation shall receive an onsite evaluation from an appropriate higher command at least once every 3 years.

## E2.9. Acquisition of Materials and Material-Safety Data Sheets

E2.9.1. DoD Components shall ensure that supplies, equipment, devices, and

other material procured by or for themselves, other DoD Components, or other Federal agencies are safe for their intended use and comply with applicable Federal safety and health standards and labeling requirements. If a procured item subsequently is discovered to be unsafe when used according to directions, the procuring Component shall advise all known recipients.

E2.9.2. Suitable safeguard controls shall be established for items recalled by the manufacturer for safety and health reasons, either voluntarily or on advice from regulatory authority. The decision to recall items from in-use status shall be determined in each case according to the severity of the hazard.

E2.9.3. In addition to DoD distribution, the Director, Defense Logistics Agency, shall make available to other Federal agencies microfiche copies of the automated DoD files of material-safety data sheets, on a reimbursable basis, through the Government Printing Office or the National Technical Information Service.

#### E2.10. *Risk Management During Military Training*

E2.10.1. *Effective, realistic training can be safely conducted with an acceptable level of risk by safety conscious leaders. Safe training is a product of performing to established tactical and technical standards and results from the management of inherently dangerous training risks.*

E2.10.2. *Leaders at all levels must ensure that safety requirements are integrated to all aspects of training and not add-on considerations. Risk management techniques will be used in the planning and executing of training to ensure it is realistic, yet does not exceed an acceptable level of risk for a noncombat situation. Risk decisions must be at the appropriate level of command based on the level of risk, hazard involved, exposure and worst case scenario.*

E2.10.3. *In all phases of training, the following risk management process will be incorporated.*

E2.10.3.1. *Risk Identification. Analyze the training mission and identify potential risks to personnel and equipment.*

E2.10.3.2. *Risk Decision Making. Determine which risks are acceptable and unacceptable from the standpoint of balancing training benefit against the potential for accident losses. Ensure that the proper level of command is briefed on available alternatives and the leadership reason for selection of the method to be used.*

E2.10.3.3. *Risk Reduction and Control.* *Eliminate the risks involved or reduce and control risks at acceptable levels which will permit accomplishment of the training mission. Brief the inherent and specific risks to participants prior to beginning the training event(s).*

E2.10.3.4. *Risk Evaluation.* *Following training events, both the participants and the leadership should conduct an after-action review to evaluate the appropriateness of established controls and make adjustments where necessary. Adjustments which have service-wide applicability should be disseminated via a lessons learned medium.*

### E3. ENCLOSURE 3

#### DoD PERSONAL PROTECTIVE EQUIPMENT PROGRAM POLICY AND RESPONSIBILITIES

##### E3.1. POLICY

E3.1.1. Whenever feasible, occupational hazards will be eliminated through engineering or management controls. (DoD Instruction 5000.36, reference (o), should be used for new procurement or modernization programs for systems, subsystems, equipment, and facilities.)

E3.1.2. Personal protective equipment appropriate to the work situation shall be provided by the DoD Component concerned at Government expense in the following situations:

E3.1.2.1. When engineering or management controls are not feasible.

E3.1.2.2. When development or installation of engineering controls are pending.

E3.1.2.3. When short-term, nonroutine operations, for which engineering controls are not practical, occur.

E3.1.2.4. When emergencies are involved; such as spills (including cleanup operations), ventilation malfunctions, emergency egress, and damage-control activities.

E3.1.3. A DoD Component's usage of environmental differential pay or hazard pay differentials for civilian employees, when warranted, does not obviate the responsibility to provide appropriate personal protective equipment and to continue efforts to eliminate or reduce any hazardous conditions that justify such pay.

E3.1.4. Nonappropriated fund activities shall provide personal protective equipment from their own funds, unless provided for in a host-tenant agreement.

##### E3.2. RESPONSIBILITIES

Heads of DoD Components, while administering their agencies' OSH programs, shall:

E3.2.1. Evaluate workplaces, including applicable hazardous material data, to

determine personal protective equipment requirements. Qualified safety and health personnel shall perform these evaluations and select appropriate personal protective equipment.

E3.2.2. Ensure that personal protective equipment conforms to OSH standards, including the certification and specification requirements. Problems encountered with personal protective equipment procured through GSA shall be reported to GSA per procedures in the Federal Supply Schedule Program Guide (reference (t)). Problems that cannot be resolved through this process shall be referred to the ASD(FM&P).

E3.2.3. Conduct appropriate medical evaluations to determine each employee's capability to perform assigned tasks when there is a reasonable expectation that the use of protective equipment may result in undue physiological stress.

E3.2.4. Train personnel in the selection, use, inspection, and care of personal protective equipment required for their work situation and maintain records of such training.

E3.2.5. Ensure that protective equipment worn by personnel is fitted properly.

E3.2.6. Ensure that appropriate periodic inspection, cleaning, disinfection, and maintenance of personal protective equipment is performed by qualified personnel.

E3.2.7. Provide proper storage of personal protective equipment to protect against environmental conditions that might degrade the effectiveness of the equipment or result in contamination during storage.

E3.2.8. Ensure compliance with the prescribed use of personal protective equipment. All supervisors and managers should become involved in this effort by personal example and precept. In cases of noncompliance, managers shall document the noncompliance and consider disciplinary action as a corrective measure against the offender and the supervisor, as appropriate.

E3.2.9. Identify instances of nonuse, misuse, or malfunction of personal protective equipment that result in injury or occupational illness to DoD personnel. These deficiencies shall be reported as causal factors in the mishap reporting system established by DoD Instruction 6055.7 (reference (k)), with sufficient detail to permit evaluation and correction of problems associated with the deficiencies.

#### E4. ENCLOSURE 4

### INFORMATIONAL GUIDANCE AND PROCEDURES APPLICABLE TO DoD OFFICIALS FOR FEDERAL AND STATE OSH INSPECTIONS AND INVESTIGATIONS AT CONTRACTOR WORKPLACES ON DoD INSTALLATIONS

#### E4.1. GUIDANCE

E4.1.1. The Occupational Safety and Health Act of 1970 (reference (e)) provides for the development, promulgation, and enforcement of OSH standards. DoD contractors operating from DoD or privately owned facilities, located on or off DoD installations, are "employers" as defined in reference (e), and are subject to enforcement authority by Federal and state safety and health officials as stated in the following:

E4.1.1.1. In accordance with reference (e), Federal and state OSHA officials must be granted access to DoD contractor workplaces on DoD installations without delay and at reasonable times, except as otherwise provided in this Instruction.

E4.1.1.2. Subject to the terms of any variance, tolerance, or exemption granted by the Secretary of Labor pursuant to reference (e), a state may exercise jurisdiction over OSH matters involving a DoD contractor workplace, provided the state has an OSH plan approved by the Secretary of Labor. DoD contractors will be responsible for determining the status of applicable state OSH plans.

E4.1.1.3. Authorized safety and health officials from states without OSHA-approved OSH plans may, subject to the exceptions provided elsewhere in this enclosure, exercise jurisdiction over OSH matters involving a DoD contractor workplace only when there are no relevant OSHA standards applicable to the work in progress.

E4.1.1.4. Federal OSHA officials may perform OSH inspections in DoD contractor workplaces situated in areas where the United States holds exclusive Federal jurisdiction.

E4.1.1.5. Regardless of whether or not a state has a federally approved plan, state safety and health officials have no authority in DoD contractor workplaces situated in areas where the United States holds exclusive Federal jurisdiction. Only Federal inspectors may exercise authority in exclusive Federal jurisdiction areas.

E4.1.1.6. The Occupational Safety and Health Act of 1970 (reference (e)) does not authorize the Secretary of Labor to assert authority over working conditions for which another Federal agency, or any state agency acting under the Atomic Energy Act of 1954 (reference (u)), exercises statutory authority to prescribe or enforce standards or regulations affecting OSH.

E4.1.1.7. Pursuant to the provisions of 33 U.S.C. 941 (reference (v)), when contractor work is performed aboard vessels in dry dock or afloat within Federal maritime jurisdiction, Federal OSHA standards apply and inspections and investigations shall be performed by Federal OSHA officials.

E4.1.2. OSH standards promulgated under provisions of reference (e) are enforceable by Federal or state OSHA officials as follows:

E4.1.2.1. Federal OSHA officials will enforce only Federal standards in DoD contractor workplaces.

E4.1.2.2. State OSHA officials operating under a federally approved plan may enforce state standards.

E4.1.3. Pursuant to DoD Directive 4270.24 (reference (r)), DoD contractors have the responsibility of responding to any citations issued by Federal or state OSHA officials for violations of applicable standards.

E4.1.4. Full information regarding citations and notices issued to DoD contractors for violations of Federal or state OSHA standards involving DoD-furnished equipment, facilities, or other property shall be referred to the responsible administrative contracting officer (ACO) for appropriate action in accordance with The Assistant Secretary of Defense (I&L) Memorandum (reference (w)).

## E4.2. PROCEDURES

E4.2.1. DoD contractor workplaces may be inspected and mishap or compliance investigations may be conducted by Federal or state OSHA officials, subject to the exceptions noted in subsection E4.1.1. of this enclosure.

E4.2.2. DoD contractors will not be provided advance notice of OSH inspections by Federal or state OSHA officials, except (1) in cases of apparent imminent danger to any DoD or contractor employee, or (2) when requested by Federal or state OSHA



officials. Any person who violates the provisions of this subsection is subject to a fine of not more than \$1,000 or imprisonment for not more than 6 months, or both.

E4.2.3. Federal or state OSHA officials shall present appropriate identifying credentials and state the purpose of their visit to the DoD installation commander or that commander's authorized representative and the ACO (if appropriate) before conducting an inspection of a DoD contractor workplace situated on a DoD installation.

E4.2.4. When Federal or state OSHA officials require entry to a closed area and cannot effectively be denied access to the classified material therein, the following procedures shall apply:

E4.2.4.1. The contractor immediately shall notify the OSHA official and the DoD activity exercising security supervision over the contractor's workplace (See DoD 5220.22-R, reference (x)) of the OSHA official's need for a personnel security clearance in order to enter the closed area.

E4.2.4.2. The DoD security activity shall verify that access to classified material cannot be denied the OSHA official through such means as covering the material to deny visual access.

E4.2.4.3. In the case of a Federal OSHA official, the DoD security activity, after verifying the need for a personnel security clearance, shall contact the cognizant security office and request verification of the Federal OSHA official's personnel security clearance. If the OSHA official's name is not on the list of cleared Federal OSHA personnel furnished to the cognizant security office, that office shall contact the OSHA regional or area office and request an appropriately cleared OSHA official.

E4.2.4.4. In the case of a state OSHA official, the DoD security activity, after verifying the need for a personnel security clearance, shall, in coordination with the state OSHA official, request the cognizant security office to contact the nearest OSHA regional or area office for a cleared Federal OSHA official to conduct the necessary inspection of the closed area.

E4.2.5. Federal and state OSHA officials shall be accompanied on their inspections and investigations by representatives of the DoD installation commander and the ACO (as appropriate) and, where requisite security clearances are verified, may be accompanied by representatives of the DoD contractor and that contractor's employees.

E4.2.6. No photographs shall be taken by Federal or state OSHA officials in

closed areas of DoD installations. Any photographic services for closed areas may be requested by such officials and shall be provided by the installation commander or the appropriate ACO. Negatives and photographs tentatively shall be classified CONFIDENTIAL and submitted to the appropriate DoD Component official, or that official's authorized representative, for review as required for compliance with 18 U.S.C. 795 and E.O. 10104 (references (y) and (z)) before release to authorized Federal or state OSHA officials.

E4.2.7. The DoD contractor is responsible for resolving issues related to citations or requests for delays, variations, tolerances, or exemptions of applicable OSH standards.

E4.2.8. Federal or state OSHA officials shall have access to and be provided with copies of records and reports pertaining to specific DoD contractor mishap investigations upon request, except when prohibited from release by 5 U.S.C. 552 and 5 U.S.C. 552a (references (aa) and (bb)).

E4.2.9. OSH inspections and investigations of DoD contractor workplaces by Federal or state OSHA officials shall be conducted within reasonable limits and in a reasonable manner during regular working hours, except when other times are agreed upon mutually by the concerned officials.

E4.2.10. DoD installation commanders shall, as an act of courtesy, advise in writing, the applicable state OSHA office, of contractor workplaces located within areas of exclusive Federal jurisdiction.

E4.2.11. DoD officials shall report, through supervisory echelons to the ASD(FM&P), Attn: DASD(FSE&S), any situation resulting from compliance with procedures in this Instruction that could impair the national defense mission or affect adversely the national security.

E4.2.12. The general principles contained in this paragraph shall apply to safety and health officials from states that do not have OSHA-approved OSH plans when those officials are exercising authority described in paragraph E4.1.1.3., above.

## E5. ENCLOSURE 5

### DEFINITIONS

E5.1.1. Abate. To eliminate or reduce an OSH hazard by complying with applicable OSH standards criteria or taking equivalent protective measures.

E5.1.2. Abatement Priority Number (APN). A two-part code that combines a RAC and CEI expressed as: APN 2(7), where 2 is the RAC and (7) is the CEI.

E5.1.3. Administrative Contracting Officer (ACO). A designated contracting officer who performs administrative functions listed in the Federal Acquisition Regulation (reference (cc)).

E5.1.4. APN Rank Order. A priority listing of abatement projects in order of APNs, grouped by RACs and by CEIs in ascending order within identical RACs; for example:

1(3)  
1(5)  
2(1.5)  
2(4)  
3(3)  
3(5.2)

E5.1.5. Closed Area. A controlled area established to safeguard classified material that, because of its size or nature, must be safeguarded by controlling access in accordance with DoD 5220.22-M (reference (dd)).

E5.1.6. Cognizant Security Office. The Defense Contract Administration Services Region of the Defense Logistics Agency having contract administration services jurisdiction over the geographical area in which the contractor workplace is located (see 18 U.S.C. 795, paragraph 1-211, reference (y)).

E5.1.7. Consultation with Representatives of Employees. Includes written or oral consultations or conferences with employees or their representatives, including, when applicable, negotiations or other dealings with labor organizations that represent such employees.

E5.1.8. Cost Effectiveness Index (CEI). A measure that represents, in a single value, the ratio between the cost of an abatement project and the potential effectiveness

(measured in terms of reduced frequency and severity of mishaps) to be derived from implementing the abatement project. The method for computing the CEI is depicted in table 3.

E5.1.9. DoD Contractor. A non-Federal employer engaged in performance of a DoD contract, whether as prime contractor or subcontractor.

E5.1.10. DoD Installation. A grouping of facilities, located in the same vicinity, that support particular DoD functions and are located within a state, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, Wake Island, Outercontinental Shelf Lands defined in the Outercontinental Shelf Lands Act, Johnston Island, and the Canal Zone, including the territorial seas of such areas. Installations may be elements of a base, including locations such as posts, camps, or stations, or may be mobile platforms.

E5.1.11. DoD Personnel

E5.1.11.1. Civilian. Includes Senior Executive Service, General Manager, General Schedule, and Wage Grade employees (including National Guard and Reserve technicians); Merit Pay System employees; Nonappropriated Fund employees; Youth/Student Assistance Program employees; and foreign nationals directly employed by DoD Components.

E5.1.11.2. Military. Includes all military personnel on active duty; Reserve or National Guard personnel on active duty or in drill status; service academy midshipmen or cadets; Reserve Officer Training Corps cadets, when engaged in directed training activities; and foreign national military personnel assigned to DoD Components.

E5.1.12. Evaluation. A specialized inspection designed to determine the effectiveness of a unit's safety and health program.

E5.1.13. Exclusive Federal Jurisdiction. (Otherwise termed "exclusive legislative jurisdiction.") This term applies to situations where the Federal Government has received, by whatever method, all the authority of the state, with no reservation made to the state, except of the right to serve process resulting from activities that occurred off the land involved.

E5.1.14. Federal OSHA Official. Investigator or compliance officer employed by, assigned to, or under contract to OSHA.

E5.1.15. Imminent Danger. Conditions or practices in any workplace that pose a danger that reasonably could be expected to cause death or severe physical harm before the imminence of such danger could be eliminated through normal procedures. (See hazard severity category I or II and mishap probability category A.)

E5.1.16. Inspection. The process of determining compliance with safety and health standards through formal and informal surveys of workplaces, operations, and facilities.

E5.1.17. Occupational Hazard. Conditions, procedures, and practices directly related to the work environment that create a potential for producing occupational injuries or illnesses.

E5.1.18. OSHA. Occupational Safety and Health Administration, DoL.

E5.1.19. Qualified Safety and Health Personnel. Includes persons who meet Office of Personnel Management (OPM) Standards for Safety and Occupational Health Manager/Specialist GS-018, Safety Engineering Technician GS-802, Safety Engineer GS-803, Safety Technician GS-019, Aviation Safety Officer GS-1825, Air Safety Investigating Officer GS-1815, Fire Protection Engineer GS-804, Fire Protection Specialist/Marshall GS-081, Medical Officer GS-602, Health Physicist GS-1306, Industrial Hygienist GS-690, Occupational Health Nurse GS-610, Environmental Health Technician GS-699, or other personnel determined to be qualified equally as compared to the above OPM standards.

E5.1.20. Risk Assessment. An expression of potential loss, described in terms of hazard severity, mishap probability, and exposure to hazard. Subdefinitions follow:

E5.1.20.1. Hazard Severity. An assessment of the expected consequence, defined by degree of injury or occupational illness that could occur from a hazard. A hazard is classified by an uppercase Roman numeral according to the criteria in table 1.

E5.1.20.2. Mishap Probability. An assessment of the likelihood that, given exposure to a hazard, a mishap will result. A mishap probability is classified by an uppercase letter according to the criteria in table 1.

E5.1.20.3. Exposure to Hazard. An expression of personnel exposure that considers the number of persons exposed and the frequency or duration of the exposure.

E5.1.20.4. Risk Assessment Code (RAC). An expression of the risk associated with a hazard that combines the hazard severity and mishap probability into a single Arabic numeral as in table 1.

E5.1.21. State OSHA Official. Investigator or compliance officer employed by a state that has an OSHA-approved OSH plan.

E5.1.22. Workplaces

E5.1.22.1. Military-Unique Workplaces and Operations. DoD military and civilian workplaces and operations that are comparable generally to those of the private sector. Examples include facilities involved and work performed in the repair and overhaul of weapons, vessels, aircraft, or vehicles (except for equipment trials); construction; supply services; civil engineer or public works; medical services; and office work.

E5.1.22.2. Military-Unique Equipment, Systems, Operations, or Workplaces

E5.1.22.2.1. Equipment and systems that are unique to the national defense mission, including the operation, testing, and maintenance procedures dictated by design configuration. Examples are military weapons, aircraft, ships, submarines, missiles and missile sites, early warning systems and sites, military space systems, ordnance, tanks, and tactical vehicles.

E5.1.22.2.2. Operations or workplaces that are uniquely military, such as field maneuvers; combat training; naval operations; military flight and missile operations; associated research, test, and development activities; and actions required under emergency conditions.

E5.1.22.3. DoD Contractor Workplace. Any place including a reasonable access route to and from, where work has been, will be, or is being performed by contractor employees under a DoD contract. "DoD contractor workplace" does not include any area, structure, machine, apparatus, device, equipment, or material therein with which the contractor employee is not required or reasonably expected to have contact; nor does it include any working condition for which OSHA jurisdiction has been preempted pursuant to Section 4(b)(1) of Pub. L. 91-596 (reference (e)).

TABLE 1  
DERIVING RACs  
FOR  
SAFETY HAZARDS

Use the matrix and descriptive definitions below to determine the RAC.

MISHAP PROBABILITY

		A	B	C	D
HAZARD SEVERITY	I	1	1	2	4
	II	1	2	3	4
	III	2	3	4	5
	IV	4	4	5	5

HAZARD SEVERITY

- I - Death or permanent total disability
- II - Permanent partial disability or temporary total disability in excess of 3 months
- III - Lost-workday mishap or compensable mishap
- IV - First-aid or minor supportive medical treatment, or simply violation of standard

MISHAP PROBABILITY

- A - Likely to occur immediately
- B - Probably will occur in time
- C - Possible to occur in time
- D - Unlikely to occur

RACs

- 1 - Critical
- 2 - Serious
- 3 - Moderate
- 4 - Minor
- 5 - Negligible

TABLE 2  
DERIVING RACs  
FOR  
HEALTH HAZARDS

STEP 1. Using the following procedures to assess points, determine the health hazard severity category (HHSC). The HHSC reflects the magnitude of exposure to a physical, chemical, or biological agent and the medical effects of exposure.

A. Exposure Points Assessed

		Exposure Conditions			
		<CT	Occasionally ->CT Always - <STD	>CT ≤STD	>STD
AER	NO	0	3	5	7
POSSIBLE?	YES	1-2	4	6	8

AER = Alternate exposure route, such as skin absorption, ingestion

CT = DoD component threshold that triggers surveillance actions, such as micro Watts/cm<sup>2</sup>, dB, parts per million

STD = DoD exposure limit, such as Threshold Limit Value and Permissible Exposure Limit

B. Medical Effects Points Assessed

<u>Condition</u>	<u>Points</u>
No medical effect, such as nuisance noise and nuisance odor	0
Temporary reversible illness requiring supportive treatment, such as eye irritation and sore throat	1-2
Temporary reversible illness with a variable but limited period of disability, such as metal fume fever	3-4
Permanent, severe illness or loss of capacity, such as permanent hearing loss	5-6
Permanent, severe, disabling, irreversible illness or death, such as asbestosis and lung cancer	7-8

C. Determine the HHSC by totaling the points assessed and using the following guide:

<u>Total Points</u> (sum of A and B, above)	<u>HHSC</u>
13-16	I
9-12	II
5-8	III
0-4	IV



STEP 2. Using the following guides to assess points, determine the mishap probability category (MPC) for health hazards. The probability of mishap reflects the duration of exposure and the number of exposed personnel.

A. Duration of Exposure Points Assessed

		Length of Exposure		
		1-8 hr/wk	>8 hr/wk, not continuous	continuous
Type of Exposure	Irregular, intermittent	1-2	4-6	-
	Regular, periodic	2-3	5-7	8

B. Number of Exposed Personnel Points Assessed

<u>Number of Exposed Personnel</u>	<u>Points</u>
<5	1-2
5 to 9	3-4
10 to 49	5-6
>49	7-8

C. Determine the MPC for health hazards by totaling the points assessed and using the following guide:

<u>Total Points (sum of A and B, above)</u>	<u>MPC</u>
14-16	A
10-13	B
5-9	C
<5	D

STEP 3. Determine the RAC for health hazards by using the following matrix to measure health hazard severity and mishap probability factors.

		MISHAP PROBABILITY			
		A	B	C	D
HAZARD SEVERITY	I	1	1	2	3
	II	1	2	3	4
	III	2	3	4	5
	IV	3	4	5	5

**TABLE 3**  
**COMPUTING THE ESTIMATED CEI AND ABATEMENT PRIORITY**

1. Compute CEI as follows:

(a) Find severity/probability multiplier in the matrix and record below:

	<u>MISHAP PROBABILITY</u>			
	A	B	C	D
I	188	63	21	7
II	63	21	7	2
III	21	7	2	1
IV	7	2	1	.26

**NOTE:**

The multipliers in this matrix represent a proportional distribution of the annual cost and frequency of DoD mishaps, and are derived from an analysis of actual DoD mishap experience.

(b) Record the average or equivalent number of persons exposed daily to the hazard during the course of a year:

(c) Compute the Effectiveness Index:

(a) x (b) = (c)

( ) x ( ) = ( )

(d) Obtain the estimated cost of the abatement project:

\$ \_\_\_\_\_

(e) Compute CEI:

(d) / (c) = (e)

( ) / ( ) = ( )

2. Combine RAC and CEI to obtain the APN:

RAC                      CEI                      APN  
 (from Table 1 or 2) + (from 1.(e), above) = RAC (CEI)  
 \_\_\_\_\_ + (    ) = \_\_\_\_\_ ( )